

LOCAL CHOICES

And How They Can Impact the National Flood Insurance Program

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March 7, 2018



AN AGREEMENT

FEDERAL GOVERNMENT

makes subsidized
flood insurance available
within the community



LOCAL COMMUNITIES

adopt and enforce
floodplain regulations
that meet FEMA
requirements

(VOLUNTARY)

NATIONAL FLOOD INSURANCE PROGRAM

LOCAL COMMUNITIES



FEDERAL GOVERNMENT

ORDINANCE 3102 AN ORDINANCE ADOPTING FLOOD PLAIN HAZARD MANAGEMENT REGULATIONS AND AMENDING SECTION 5.16.200 AND TITLE 17 OF OFFICIAL CODE OF THE CITY OF GREAT FALLS

WHEREAS, it is the intent of the City Commission of the City of Great Falls to provide for and protect the health, safety and welfare of the citizens of Great Falls; and,

WHEREAS, the Official Code of the City of Great Falls (OCCGF) is revised and refined over time to address changing local conditions and national trends that arise and affect the citizens of Great Falls; and,

WHEREAS, the Federal Emergency Management Agency (FEMA) Map Modernization Program has updated the Flood Insurance Study (FIS) and Digital Flood Insurance Rate Maps (DFIRM) for the incorporated area of the City of Great Falls; and,

WHEREAS, for the City's participation in the National Flood Insurance Program, the Federal Emergency Management Agency (FEMA) requires the City to approve and adopt the updated Flood Insurance Study (FIS) and Digital Flood Insurance Rate Maps (DFIRM) for Cascade County and the incorporated area of the City of Great Falls; and,

WHEREAS, the Flood Insurance Study (FIS) number is 30013CV000A and Digital Flood Insurance Rate Maps (DFIRM) for the incorporated area of the City Of Great Falls is number 300010 and will become effective on March 19, 2013; and,

WHEREAS, the amendment proposed to Title 17 ensures compliance with Federal and State Flood Plain Hazard Management Regulations and the continued participation by the City of Great Falls in the National Flood Insurance Program; and,

WHEREAS, staff has identified provisions warranting amendment that can be primarily categorized as typographical corrections, minor housecleaning, clarification, and improvement and refinement of wording and definitions for better code application, interpretation and enforcement; and,

WHEREAS, notice of amending the OCCGF was published in the *Great Falls Tribune*, advertising that a public hearing on these proposed amendments would be held on the 5th day of March, 2013, before final passage of said Ordinance herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. That a general housekeeping amendment is required of Title 5, Chapter 16, Section 200, as it pertains to Telecommunication facilities complying with applicable Floodplain Hazard Management regulations.

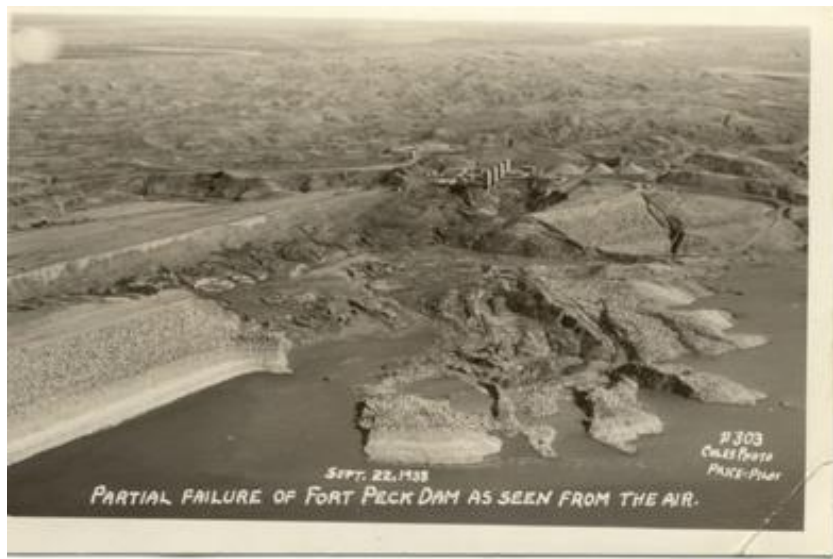


Local Decisions



Managing principle focused on the impact on others

- ▶ Protects property rights—ensures action of any property owner does not adversely impact the property rights of others
- ▶ Leads to reduced flood losses while promoting better stewardship and community mitigation efforts
- ▶ Prevention of harm is treated different legally than making the community a better place—tougher to challenge in court





Minot, ND (2011)



SECTIONS

TRAFFIC

WATCH

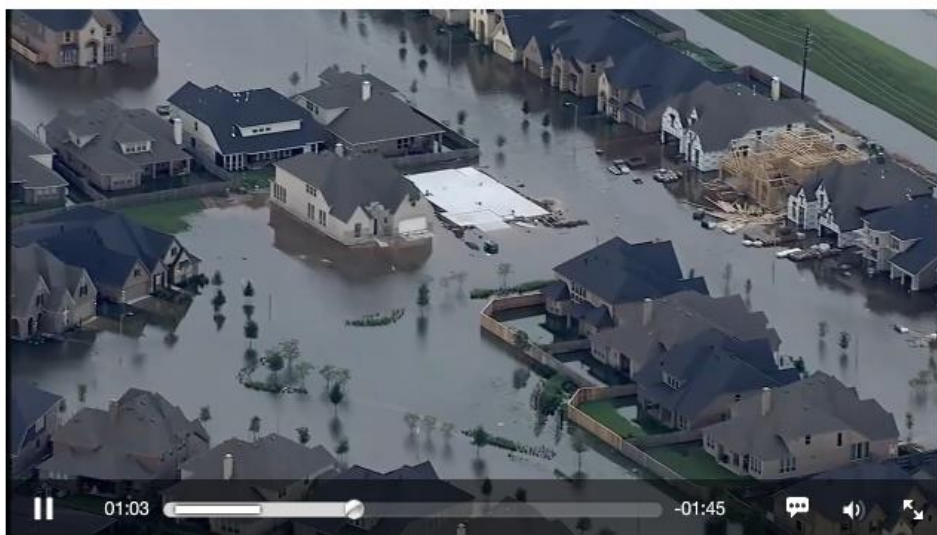
'Neighborhood should have not been built': Homeowners file lawsuit against developer after flooding issues

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01:03

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EMBED </>

MORE VIDEOS ▶

Homeowners suing developer in Sugar Land, Miya Shay reports.

Bloomberg Businessweek



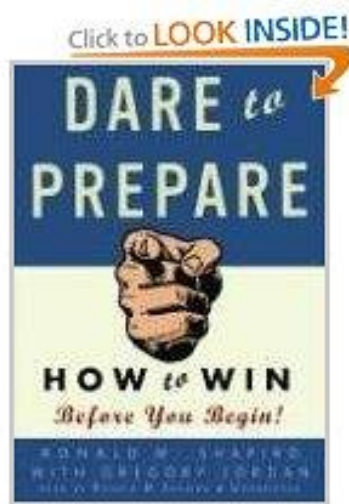
■ August 31, 2017, 3:00 AM MDT

Harvey Wasn't Just Bad Weather. It Was Bad City Planning

Houston exulted in sprawling, hands-off growth. That's no way to prepare for natural catastrophes.



Mitigation and Recovery



- **Keys to Recovery Success**

- Act quickly
- Actively plan
- Engage the community
- Develop partnerships, networks and effective coordination strategies

- Systematic and inclusive
- Leadership and unity of effort
- Pre-disaster & post-disaster recovery planning

Variances

Example Permit Application Request - Background Information

- ▶ Tongue River residential home
 - ▶ Pre-FIRM – built in 1972
 - ▶ Mapped into floodplain in 2010 with new study
 - ▶ Since 2010 – entire home is located in AE Zone Floodway
- ▶ In 2017, the homeowner submits floodplain application to:
 - ▶ Add an addition to the house – one bedroom and additional bathroom
 - ▶ Proposed elevation of addition same as existing house
- ▶ Permit was denied because:
 - ▶ Existing code allows no new structures in floodway
 - ▶ Existing code requires New construction or substantial improvement of any residential structure lowest level of floor is at two feet above the base flood elevation

The existing residential structure is one foot below the Base Flood Elevation (BFE)



Variances

- ▶ **Proposed variances from must show the following:**
 - ▶ Good and Sufficient cause is shown
 - ▶ An exceptional hardship to the applicant exists
 - ▶ The variance provides the minimum necessary action to afford relief
 - ▶ The variance will not increase flood heights, cause additional threats to public safety, cause extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.
 - ▶ If a variance is granted, the community must maintain a record of all variances
 - ▶ Variances are for floodplain management purposes only and could significantly affect insurance premium rates on affected structures.

**BEST ADVICE TO DECISION MAKING BOARDS – DON'T GRANT
THESE VARIANCES UNLESS ABSOLUTELY NECESSARY**



Basic Enforcement Process

- Right to inspection (inspection of work in progress)
- Stop work order
- Revocation of permit
- Right to periodic inspection
- Violations to be corrected
- Actions in event of failure to take corrective actions
- Order to take corrective actions
- Appeal
- Failure to comply
- Section 1316

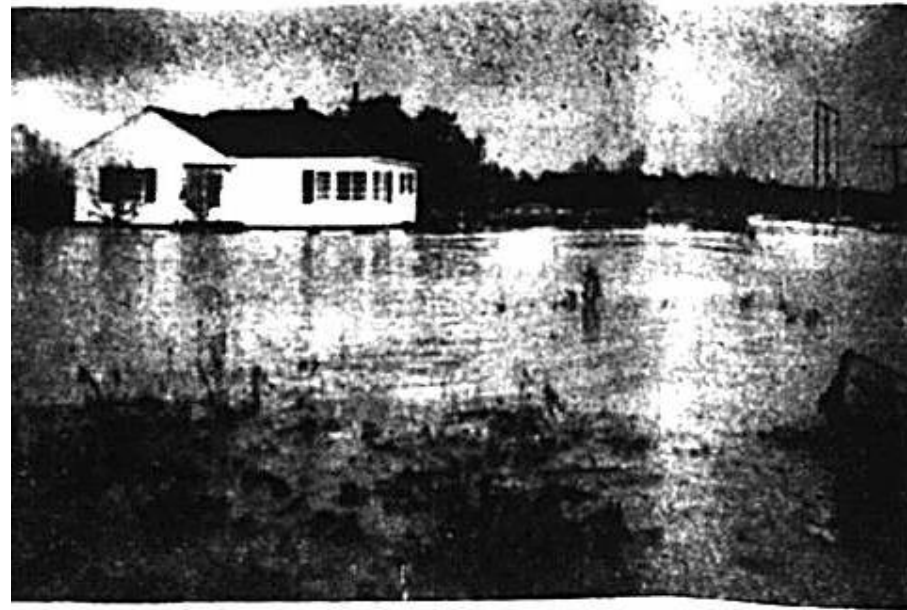


How is Section 1316 used?

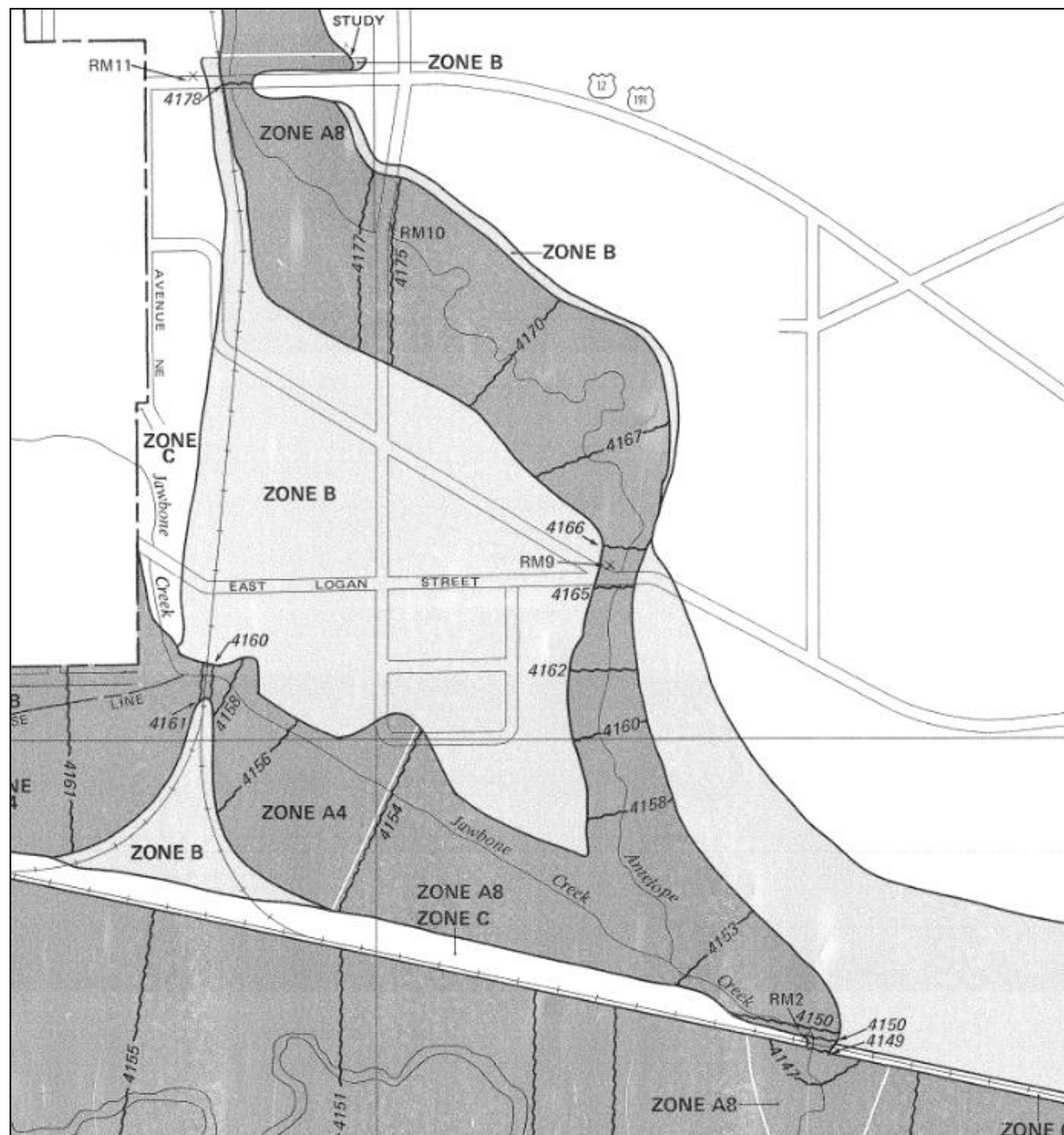
- Intended for use primarily as a backup for local enforcement actions (i.e., if a community could not force compliance through the enforcement mechanisms in its regulations, it could use Section 1316 as additional leverage)
- Not intended merely as a mechanism to remove bad risks from the policy base
- Section 1316 will only be implemented in instances where States or communities submit declarations specifically for that purpose.

1950 Harlowton Flood

At 6 p. m. Antelope coulee began grumbling and suddenly a solid wall of water over ten feet high began churning down under the Highway 6 viaduct and onward into Tucker-town. Brush and logs and refuse, railroad ties, a washing machine, cans, boxes tumbled in the turbulent waters. Within moments many homes were awash, some torn loose from their foundations, the lives of their occupants menaced.







NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**WHEATLAND COUNTY,
MONTANA**
(UNINCORPORATED AREAS)

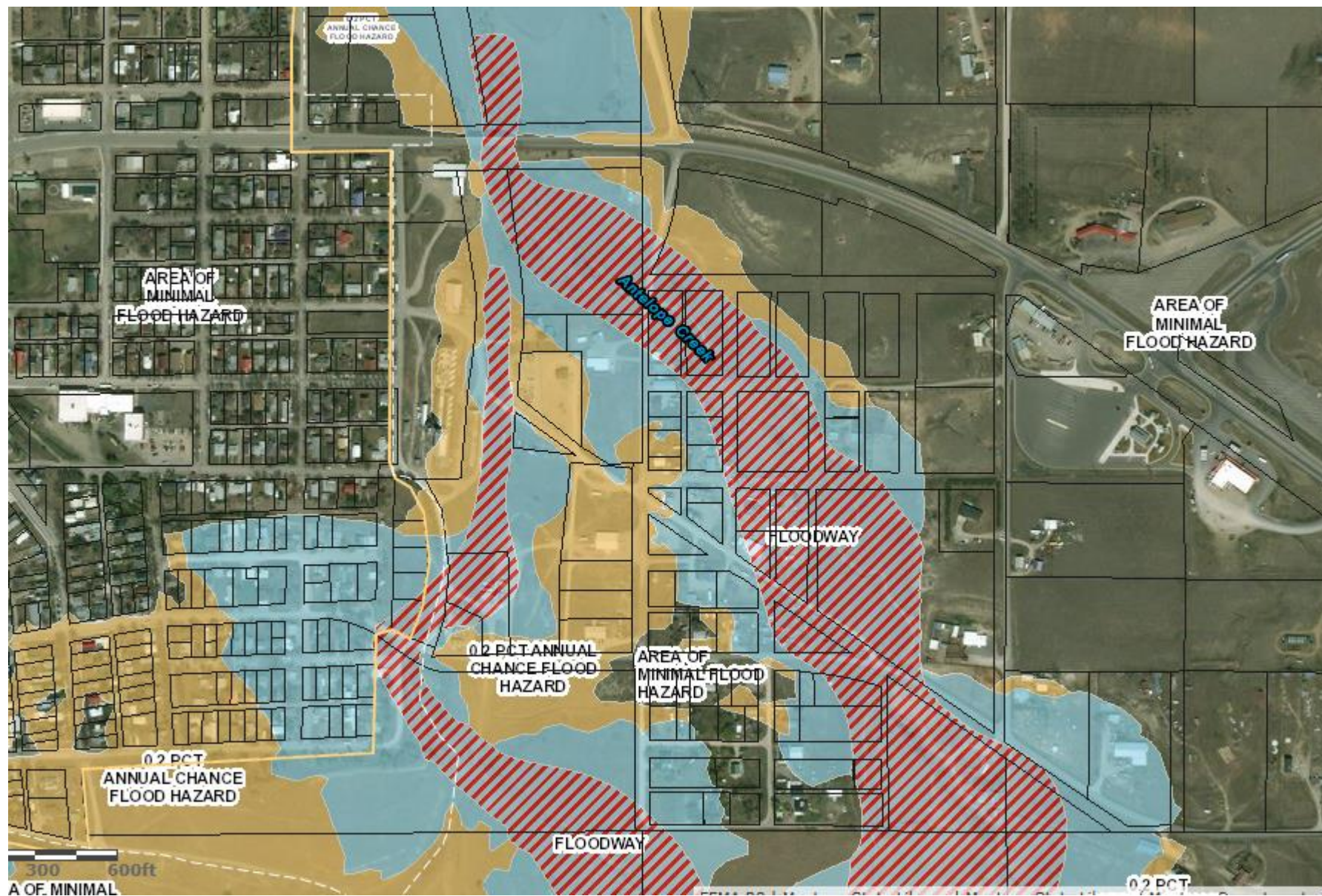
PANEL 234 OF 400
(SEE MAP INDEX FOR PANELS NOT PRINTED)

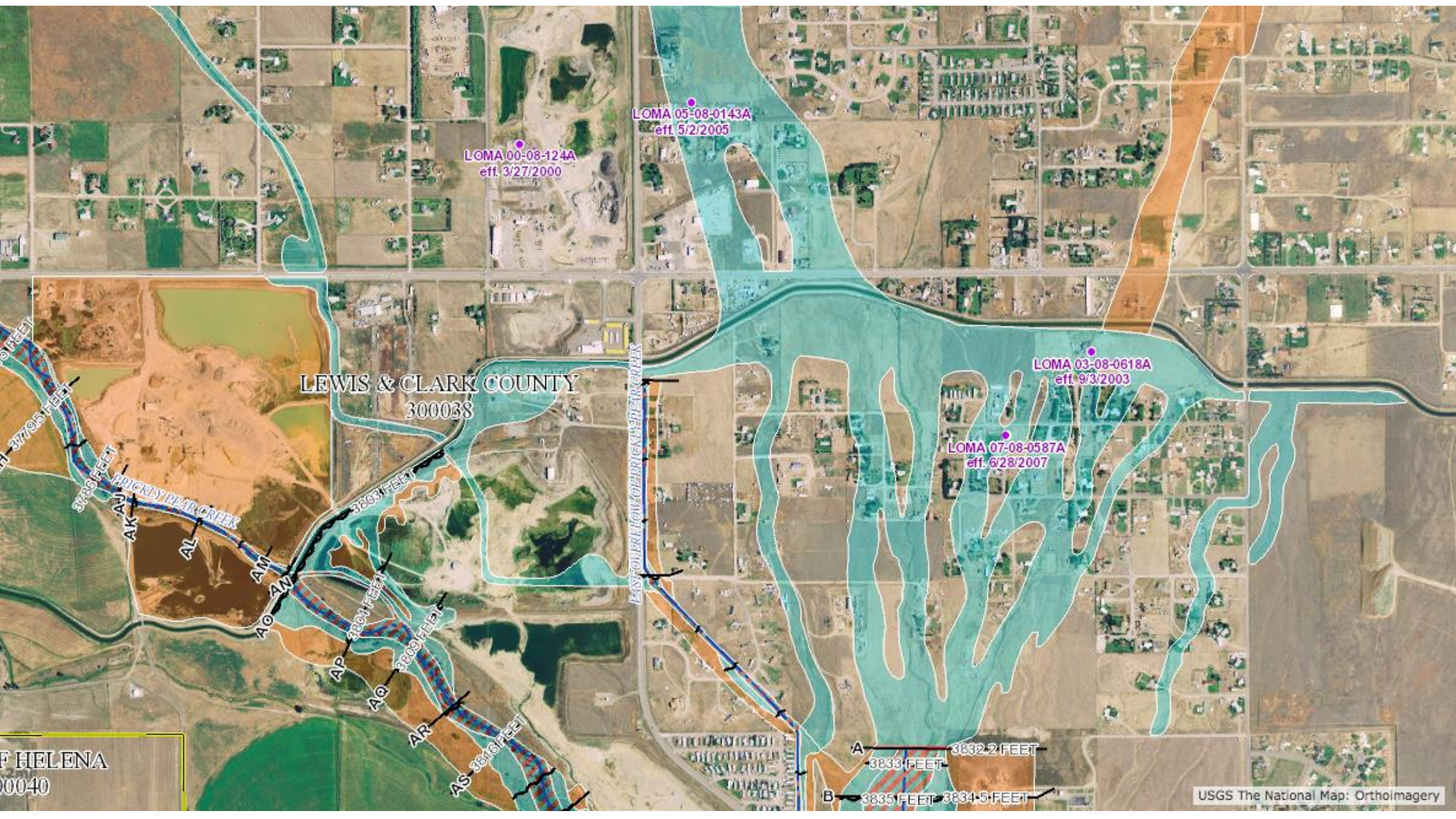
COMMUNITY-PANEL NUMBER
300172 0234 B

EFFECTIVE DATE:
SEPTEMBER 16, 1981



federal emergency management agency
federal insurance administration





Solutions

What Can You Do?

- ▶ Educate/Inform Your Elected Officials
- ▶ Know Who Decides Variances/Appeals/Land Use Exemptions
 - ▶ Educate
 - ▶ Inform
- ▶ Set up check list with all community departments
- ▶ Look at all hazards for future development:
 - ▶ Consider higher stands for development
 - ▶ How to reach out and educate property owners about additional hazards
- ▶ If there is a risk do not sweep it under the rug
- ▶ Use maps not only for regulatory purposes, but informative tools
 - ▶ To convey overall flood risk areas
- ▶ Attend meetings – subdivision review, CDs, LEPC, etc...

Communication and coordination are key



Thank you!

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